

REMARKS

I. General

The issues outstanding in the instant application are as follows:

- Claims 1-3, 5-8, 14, 15, 20-21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over McGuire et al., U.S. Pat. No. 4,920,350 (hereinafter, *McGuire*) in view of Anderson, U.S. Pat. No. 5,892,481 (hereinafter, *Anderson*) and further in view of Tatnall, U.S. Pat. No. 3,984,837 (hereinafter, *Tatnall*);
- Claims 4, 9, and 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *McGuire* in view of *Anderson* and *Tatnall* and further in view of Philips et al. U.S Pat. No. 6,072,994 (hereinafter, *Philips*);
- Claims 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *McGuire* in view of *Anderson* and *Tatnall*, and further in view of Brettle et al., U.S Pat. No. 4,594,472 (hereinafter, *Brettle*);
- Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *McGuire* in view of *Anderson* and *Tatnall*, and further in view of Zingle et al., U.S. Pat. No. 5,596,814 (hereinafter, *Zingle*);
- Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *McGuire* in view of *Anderson* and *Tatnall*, and further in view of Harshberger et al., U.S. Pat. No. 5,311,397 (hereinafter, *Harshberger*);
- Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *McGuire* in view of *Anderson* and *Tatnall*, and further in view of Bae et al., U.S. Pat. No. 6,232,680 (hereinafter, *Bae*);
- Claims 23-26, 28, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Anderson* in view of *McGuire* and further in view of Hoole et al. U.S. Pat. No. 6,480,522 (hereinafter, *Hoole*);

- Claims 27 and 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Anderson* in view of *McGuire* and *Hoole*, and further in view of *Philips*;
- Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Anderson* in view of *McGuire*, and further in view of *Zingle*;
- Claim 34 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Anderson* in view of *McGuire* and *Hoole*, and further in view of *Harshberger*;
- Claim 35-45 and 50-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *McGuire* in view of *Anderson* and *Tatnall* and *Phillips*.
- Claims 46 and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *McGuire* in view of *Anderson* and *Tatnall* and *Philips*, and further in view of *Brettle*;
- Claim 48 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *McGuire* in view of *Anderson* and *Tatnall* and *Philips*, and further in view of *Zingle*;
- Claim 49 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *McGuire* in view of *Anderson* and *Tatnall* and *Philips*, and further in view of *Harshberger*; and
- Claim 52 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *McGuire* in view of *Anderson* and *Tatnall* and *Philips*, and further in view of *Bae*.

Claims 1-52 are currently pending in this application, Applicant hereby traverses the outstanding rejections of the claims and requests reconsideration and withdrawal of the outstanding rejections in light of the remarks contained herein.

II. Rejections Under 35 U.S.C § 103(a)

A. Ambiguities in the Office Action

Applicant requests a new Office Action clearing up ambiguities in the Office Action dated May 17, 2005 (hereinafter Office Action). Regarding claim 1, the Office Action, on pages 2 and 3, states that *McGuire* discloses:

a subscriber station for a wireless RF data transmission system,
said system comprising:

said housing having an open side and comprising a heat sink;

at least one emissions shielding enclosure secured within said housing;

an RF communications board mounted in said at least one enclosure;

an antenna array mounted to a first side of said at least one enclosure;

said array operatively connected to said communications board through said at least one shielding enclosure for communicating RF data signals; and

a radome secured over a face of said antenna array.

However, the lines and figures cited in the Office Action do not appear to refer to *McGuire*. Furthermore, the previous Office Action dated November 2, 2004 noted *McGuire* failed to teach the limitations listed above. Further, on page 3 the Office Action states “*McGuire* teaches the features of a spindle extending upwardly from said subscriber station,” then on page 4 states “*Anderson* and *McGuire*, in combination fails to teach the feature of a spindle extending upwardly from said subscriber station.” Applicant respectfully requests a new non-final Office Action clearing up these ambiguities.

Regarding claims 19 and 34, Applicant requests an Office Action clarifying whether the claims stand rejected over the combination of *Anderson* and *McGuire* in further view of *Schultz* or in further view of *Harshberger*. The Office Action rejects the claims as unpatentable in view of *Harshberger*. However, the Office Action goes on to state *Schultz*, rather than *Harshberger*, teaches the claim limitations. Furthermore, although the Office Action explains *Schultz* teaches various claim limitations, the motivation is presented for combining *Harshberger* with *Anderson* and *McGuire*. Therefore, Applicant respectfully requests the new non-final Office Action clear up these ambiguities as well.

Accordingly, Applicant respectfully points out that the rejection of at least claims 1, 19, and 34 do not comport with Office Policy, in that the Examiner has not “clearly articulate[d] any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity,” M.P.E.P. § 706. Applicants therefore request that the Examiner set forth unambiguous grounds for rejection with respect to claims 1, 19, and 34, in a non-final Office Action, in order that the Applicant may have a full and fair opportunity to explore the patentability of these claims. In an attempt to respond in good faith, Applicant has attempted to respond to the Office Action below.

B. A Prima Facie case of obviousness has not been established

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Therefore, without conceding the second criterion, Applicant respectfully asserts that the rejection fails to satisfy the first and third criteria.

1. Independent Claims 1 and 35

As noted above, independent claim 1 stands rejected under 35 U.S.C. § 103(a) as unpatentable over *McGuire* in view of *Anderson*, and further in view of *Tatnall*. Independent claim 35 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *McGuire* in view of *Anderson* and *Tatnall* and further in view of *Phillips*

a. The cited reference fails to teach or suggest all claim limitations

The cited references fail to teach all limitations of independent claims 1 and 35. Claim 1 recites “a spindle extending upwardly from said subscriber station;” likewise, claim 35 recites “a fixed, overhead secured spindle.” The Office Action, on page 3, indicates mast 18 in Figure 6 and column 5 lines 29-30 of *McGuire* teach these limitations. However, as previously pointed out by Applicant, the mast of *McGuire* extends downwardly from its housing. Furthermore, *McGuire* mounts the housing at the highest point on the ship. Col. 1,

lines 59-60. Mounting the housing to “a spindle extending upwardly from said subscriber station,” as recited by claim 1 or “a fixed, overhead secured spindle,” as recited by claim 35, prevents the housing from being at the highest point on the ship as required by *McGuire*. Therefore, Applicant respectfully contends that because *McGuire* teaches mounting the housing at the highest point on the ship, *McGuire* arguably teaches away from a spindle extending upwardly from said subscriber station, or a housing mounted to a fixed, overhead secured, spindle.

Furthermore, the Office Action also admits that the combination of *Anderson* and *McGuire* fails to teach all the limitations of claims 1 and 35. The Office Action states with respect to claim 1, “it should be further noticed that *Anderson* and *McGuire*, in combination, fails to teach the feature of a spindle extending upwardly from said subscriber station” and with respect to claim 35, “fails to teach the feature of a fixed, overhead secure spindle.” Office Action page 4 and page 18, respectively. To cure these deficiencies, the Office Action introduces *Tatnall*, alleging *Tatnall* teaches a spindle extending upwardly from a station and a fixed, overhead secured spindle. Office Action page 4 and page 18. However, Applicant respectfully asserts that *Tatnall* fails to cure the deficiencies in the applied art identified above with respect to independent claims 1 and 35. Specifically, the Office Action likens *Tatnall*’s upper bearing 54 with Applicant’s spindle. However upper bearing 54 mounts inside radome 24 and does not extend upwardly from a housing. Figures 1 and 3 and col. 2, lines 52-60. Furthermore, *Tatnall* teaches away from the spindle recited in claim 1 because *Tatnall* requires upper bearing 54 remain inside the radome, instead of extending upwardly from a housing or the radome. Therefore, Applicant respectfully contends the suggested combination fails to teach all the limitations in claims 1 and 35, thereby claims 1 and 35 are patentable over the §103 rejections of record.

Furthermore, the Office Action admits the combination of *Anderson*, *McGuire*, and *Tatnall* fails to teach various limitations of claim 35 including: “an RF receiver mounted in a first of said enclosures” and “an RF transmitter mounted in a second of said enclosures.” The Office introduces *Phillips* as teaching these limitations, however the combination proffered by the Office Action fails to disclose the limitations. Specifically, column 18 lines 20-28 of *Phillips* recite “neither the...receiver module 106 nor the ...transmit module 204 should be further partitioned into separate boxes...each preferably contained within a single rack.”

Therefore, while independent claim 35 teaches mounting the receiver and transmitter in separate enclosures, *Phillips* explicitly recites mounting the receiver module 106 and transmit module 204 within a single enclosure. As a result, Applicant further contends claim 35 is patentable over the 35 U.S.C. § 103 rejection of record.

Claims 2-22 ultimately depend from independent claim 1. Thus, each of claims 2-22 inherit all limitations of claim 1. Therefore, for at least the reasons advanced above in addressing the rejections of claim 1, each of claims 2-22 sets forth features and limitations not recited by the combination of *McGuire*, *Anderson*, and *Tatnall*. Whereas the rejection of each of claims 2-22 advanced by the Office Action relies on the combination of *McGuire*, *Anderson*, and *Tatnall*, Applicant respectfully asserts that at least for the above stated reasons claims 2-22 are also patentable over the 35 U.S.C. § 103(a) rejections of record. Claims 36-52 ultimately depend from independent claim 35. Thus, each of claims 36-52 inherit all limitations of independent claim 35. Therefore, for at least the reasons advanced above in addressing the rejections of claim 35, each of claims 36-52 sets forth features and limitations not recited by the combination of *McGuire*, *Anderson*, *Tatnall* and *Phillips*. Whereas the rejection of each of claims 2-22 and 36-52 advanced by the Office Action relies on the combination of *McGuire*, *Anderson*, *Tatnall* and *Phillips*, Applicant respectfully asserts that at least for the above stated reasons claims 36-52 are also patentable over the 35 U.S.C. § 103(a) rejections of record.

b. Motivation

The Office Action admits that *McGuire* does not teach numerous elements of claims 1-3, 5-8, 14-15, 20, 21, 35-45, 50 and 51. The Office Action attempts to cure this deficiency by introducing *Anderson*, which the Office Action alleges to teach having such elements. The motivation for making the combination was presented as follows:

“it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of... as taught by *Anderson*, in view of *McGuire*, in order to conveniently provide a mechanism for selecting base stations and locking signals.”

As noted above, the Office Action also admits that the combination of *McGuire* and *Anderson* fails to teach “a spindle extending upwardly from said subscriber station,” as recited by claim 1, or “a fixed, overhead secured spindle,” as recited by claim 35. The Office

Action attempts to cure this deficiency by introducing Tatnall. The motivation for adding Tatnall was presented as:

“it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of... as taught by Tatnall, in view of Anderson and McGuire, in order to provide facilitate mounting the station under a roof.”

In addressing claims 35-45, 50 and 51, the Office Action admits that the combination of *McGuire* and *Anderson* fails to teach various other elements of the claims. The Office Action attempts to cure this further deficiency by introducing *Philips*, which the Office Action alleges to teach having such elements. The motivation for adding *Philips* to the combination of *McGuire* and *Anderson* was presented as follows:

“it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of... as taught by Philips, into view of *McGuire* and Anderson, in order to facilitate the processes of transmitting are receiving RF signals.

It is well settled that prior art must suggest desirability of the claimed invention, M.P.E.P. § 2143.01. Applicant respectfully contends that the motivation language provided by the Office Action is insufficient and misleading. First Applicant respectfully asserts that the statement “in order to conveniently provide a mechanism for selecting base stations and locking signals” does not reflect the teachings of the references. Second, the statement “in order to provide facilitate mounting the station under a roof” is clear evidence that the Examiner is relying on impermissible hindsight drawn from Applicant’s disclosure, such as paragraph [0008]. Third, Applicant respectfully asserts that the statement “in order to facilitate the processes of transmitting are receiving RF signals” is tantamount to a mere statement that the references can be combined and provides no substantive reason for combining the references.

Further, the combination of *Anderson*, *McGuire* and *Tatnall* would not succeed in facilitating “mounting the station from under a roof” as suggested by the Office Action. Office Action page 4 and page 18. The Office Action asserts that *McGuire* teaches “a housing rotatably mounted to said spindle” and “a housing controllably rotatably mounted to said spindle.” Office Action page 4 and page 18. The Office Action goes further and states

“said spindle” is taught by *Tatnall*’s upper bearing 54. Office Action page 4 and page 18. However, *Tatnall*’s upper bearing 54 mounts to the interior wall of radome 24. As a result, no spindle extends upwardly from the station to “facilitate mounting the station under a roof.” Office Action page 4 and page 18. As such, the combination suggested by the Office Action reveals no means for mounting the housing whatsoever which renders both *McGuire*, *Tatnall*, and the combination thereof inoperable. As a result, claims 1 and 35 are not anticipated by the combination suggested by the Examiner.

Assuming, *ad arguendo*, that the upper bearing 54 of *Tatnall* extends upwardly from the radome, one of ordinary skill in the art would still not be motivated to make the suggested modifications because *McGuire* teaches away from the combination of *McGuire* and *Tatnall*. *McGuire* teaches a housing mounted at the highest point on the ship. Col. 1, lines 59-60. If the housing were mounted through upper bearing 54 extending upwardly from the radome, the housing could not be mounted at the highest point on the ship as required by *McGuire*. Therefore, since *McGuire* indicates that the housing must mount at the highest point on the ship, *McGuire* arguably teaches away from the combination of *McGuire* and *Tatnall* because placing the mounting spindle above the housing prevents the housing from mounting at the highest point of the ship. Further, as explained above, placing the mounting spindle inside the housing, as taught by *Tatnall*, prevents the housing from mounting at all. As a result, Applicant respectfully asserts the Office Action fails to provide proper motivation for the combination of *McGuire* and *Tatnall*.

Further still, the combination of *Anderson* and *Tatnall* renders *Anderson* inoperable. *Tatnall*’s upper bearing 54 rotates the antenna inside the housing, therefore, if upper bearing 54 of *Tatnall* attached to radiation elements 4 of *Anderson*, the radiation elements 4 could not connect to stationary support structure 6. *Anderson* Figure 5, *Tatnall* Figures 1 and 3, and *Tatnall* Col. 2, lines 52-60. Because stationary support structure 6 of *Anderson* serves as a support structure, electrical shield, and mechanical protector (*Anderson* col. 2, lines 15-18), disconnecting radiation elements 4 from stationary support structure 6 in order to make it rotatable inside the housing would compromise both the electrical shield and mechanical protector required by *Anderson* and render *Anderson*’s invention inoperable. Therefore, because the suggested combination would render *Anderson* inoperable, one of ordinary skill in the art would not be motivated to combine *Anderson* and *Tatnall*.

For at least the foregoing reasons Applicant respectfully contends that the motivation provided by the Office Action is improper, as the motivation must establish the desirability for making the combination. No valid suggestion has been made, absent the application of impermissible hindsight, as to why a combination of *McGuire*, *Anderson* and *Tatnall* is desirable. Therefore, the rejection of claims 1-22 and 35-52 should be withdrawn.

2. Independent Claim 23

In addressing claim 23, the Office Action admits “Anderson fails to teach the features of means for housing said enclosing means and said antenna beam forming means mounted thereto, said housing means comprising means for covering said antenna beams means, while allowing communication on said antenna beams; and means for controllably rotatably mounting said housing means.” The Office Action attempts to cure this deficiency by introducing the combination of *McGuire* and *Hoole*, which the Office Action alleges to teach having such limitations. However, this combination, as presented, does not teach or suggest all limitations of the invention, as recited by claim 23.

a. The cited references fail to teach or suggest all claim limitations

Claim 23 recites “means for aiming said at least one antenna beam to compensate for interference.” The Office Action suggests that modifying *McGuire* to include the aiming means taught in *Hoole* would reduce the interference in *McGuire*. However, such a modification would not aid in the reduction of interference experienced by the dish. Reflections from the ship’s substructure and the sea cause the interference affecting the satellite dish in *McGuire*. Col. 1, lines 59-61 of *McGuire*. To minimize this interference, *McGuire* discloses mounting the satellite dish on the highest point of the ship. Col. 1, lines 59-61 and col. 4, lines 17-19. As a result, aiming the dish fails to provide the claim elements suggested by the Office Action for two reasons. First, aiming means will not reduce interference caused by other objects because mounting the dish at the highest point of the ship prevents objects from blocking the signal’s path. Second, because the sea completely surrounds the ship, regardless of the dish’s aim, reflections and interference from the sea remain the same. Therefore, adding aiming means to *McGuire*’s dish will not succeed in compensating for interference in the manner suggested by the Examiner. As such, the suggested combination fails to teach “means for aiming said at least one antenna beam to

compensate for interference” (emphasis added). For at least this reason Applicant respectfully asserts that independent claim 23 is patentable over the §103 rejection of record.

As noted above, various ones of claims 24-34 are rejected by combinations of references based on the combination of *Anderson*, *McGuire*, and *Hoole*. Whereas claims 24-34 depend directly or indirectly from claim 23, each of claims 24-34 contain the limitations of independent claim 23. Applicant has shown above that *Anderson* in view of *McGuire* in further view of *Hoole* does not teach or suggest the limitations of independent claim 23. The rejections of record with respect to claims 24-34 do not rely upon the other cited references as teaching the elements shown above as missing from the combination of *McGuire*, in view of *Anderson*, and in further view of *Hoole*. Therefore, Applicant respectfully contends that claims 24-34 are also patentable over the 35 U.S.C. § 103 rejections of record at least for the reasons set forth above with respect to independent claim 23.

b. Motivation

As noted above, the Office Action, in addressing independent claim 23, admits that *Anderson* does not teach various elements. The Office Action attempts to cure this deficiency by introducing *McGuire*, which the Office Action alleges to teach the missing elements. The motivation for making the combination was presented as follows:

“it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features as taught by *McGuire*, in view of *Anderson*, in order to keep the antenna maintaining the lock-on with a base station.

The Office Action also admits that the combination of *Anderson* and *McGuire* fails to teach or suggest aiming at least one antenna beam to compensate for interference. To cure this deficiency the Office Action introduces *Hoole*. The motivation for adding *Hoole* was presented as “in order to provide communication with high SINR.”

Applicant respectfully reiterates its objections to the provided motivation advanced above with respect to combining *McGuire* and *Anderson* to reach claims 1-22 and 35-52. Further, as to the motivation provided to reach claims 23-34, the Office Action asserts it would have been obvious to one of ordinary skill in the art to incorporate the “means for controllable rotatably mounting said housing means...in order to keep the antenna

maintaining the lock-on with a base station.” However, *Anderson* does not suggest a desire to rotate the housing for any reason.

Furthermore, the Office Action failed to show proper motivation for the combination of *Anderson* in view of *McGuire* and in further view of *Hoole*. The prior art must suggest the desire to “incorporate the use of the feature of means for aiming at least one antenna beam to compensate for interference.” Office Action page 13. *McGuire* expresses no such desire and the Office Action has failed to point out how one of ordinary skill in the art would be motivated to make such a combination. A review of *McGuire* shows *McGuire* solved signal interference problems by mounting the dish to the highest point of the ship thereby completing the satellite tracking antenna system and avoiding the need to add a different interference reducing method such as the one suggested by the Office Action. Col. 1, lines 59-61 and col. 4, lines 17-19. The mere fact that the proposed references could be combined is not sufficient, instead, one of ordinary skill in the art must be motivated to make the modification. No such motivation has been shown, and as a result the motivation provided by the Office Action is improper.

Furthermore, even if one of ordinary skill in the art of ship borne satellite tracking systems were interested in making this non-performance improving modification to *McGuire*, one would not be motivated to look at the technology in *Hoole* to make such a modification. *Hoole* provides efficient use of regulated bandwidth resources servicing a large population of cell phone users. Col. 1, lines 17-23. *McGuire* is not concerned with bandwidth resources or cell phone users. Instead, *McGuire* simply tries to “track a satellite irrespective of movement of [a] ship.” Col. 3, lines 13-14. As explained above, *Hoole*’s unrelated technology teaches no means which improve *McGuire*’s invention, therefore one of ordinary skill in the art would not look to cell phone bandwidth allocation technology to improve the system in a ship borne satellite tracking system. As such, the Office Action provides insufficient motivation to combine *McGuire* and *Hoole*.

Likewise, one of ordinary skill in the art of ship borne satellite tracking would not be motivated to incorporate the specific technology referenced by the Office Action to make the Applicant’s invention. *Hoole*’s “beam forming,” which the Office Action likens to “aiming means,” is designed to improve the SINR when multiple base stations cause interference. As such, *Hoole* employs an algorithm to discriminate between the interfering base stations. Col.

29, lines 8-20. In contrast, *McGuire* discloses a single satellite dish communicating with a single satellite and makes no mention of possible interference caused by other satellites. See Figures 1, 2, and 5. As such, nothing provided by the Office Action shows *McGuire*'s invention suffers from interference caused by other satellites. In fact, nothing indicates another satellite or satellite receiver *could* interfere with the dish in *McGuire*. As a result, one of ordinary skill in the art would not be motivated to look at technology designed to distinguish between multiple base stations for modifying a system which does not receive interference from multiple like-type units.

Further still, one of ordinary skill in the art of ship borne satellite tracking would not consider the technology described in *Hoole* to reduce inference because the two inventions address fundamentally different types of interference. *McGuire* deals with self-created interference caused by a single dish's own signal reflecting off the sea's surface. On the contrary, the inference in *Hoole* originates not from a single cell phone but from multiple remote base stations. Because the interference in the two inventions originate from different sources, each solved the problem using greatly varying methods. Specifically, *McGuire*, dealing with local, self-created interference, solves the problem by positioning the dish far away from reflective surfaces. Col. 4, lines 17-21. On the other hand, *Hoole*, dealing with remotely-created interference, employs an algorithm to discriminate between multiple remotely-located base stations. Col. 29, lines 10-20. These different methods were chosen because interference generated from different origins require different solutions. For example, because *Hoole*'s invention experiences maximum interference when a cell phone is located equal distance from three base stations, if *Hoole* used *McGuire*'s method of positioning the cell phone at the highest point possible, the cell phone would remain equal distance from each base station, and the interference would likely increase rather than reduce. Col. 29, lines 1-7. Likewise, if *McGuire* utilized *Hoole*'s method of discriminating between different satellites, the self-caused interference would not be reduced because the dish's signal would still reflect off the dish's surrounding surfaces. As a result, because the interference in *McGuire* and *Hoole* originate from fundamentally different sources, the methods utilized to reduce the distinct types of interference greatly vary. Therefore, one of ordinary skill in the art of locally-caused interference would not be motivated to consider a method used for alleviating remotely-caused interference. As such, the Office Action fails to provide sufficient motivation for combining Anderson, *McGuire* and *Hoole*.

As the motivation must establish the desirability for making the modification, the motivation provided by the Office Action is insufficient to reach independent claim 23. No valid suggestion has been made as to why a combination of *Anderson, McGuire* and *Hoole* is desirable, with respect to independent claim 23, as amended. Therefore, the rejection of claims 23-34 should also be withdrawn.

III. Conclusion

For at least the reasons given above, Applicant submits that the pending claims distinguish over the prior art under 35 U.S.C. § 103. Accordingly, Applicant submits that this application is in full condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 06-2380, under Order No. 60783/P010US/10104632, from which the undersigned is authorized to draw.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that the attorney can be helpful in resolving any remaining issues or can otherwise be helpful in expediting prosecution of the present application.

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Respectfully submitted,

By 

Jerry L. Mahurin

Registration No.: 34,661

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-2784

(214) 855-8386

(214) 855-8200 (Fax)

Attorney for Applicant